



State of Louisiana Crime Victims Reparations Board M I N U T E S

MEETING DATE: March 11, 2014

MEMBERS PRESENT: Ms. Nancy Adcock, Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr.,
Ms. Mary L. Fanara, Mr. Rustin Legendre, Ms. Ann Polak, Ms. Sharon
Rodi, Ms. Carolyn Stapleton, Ms. Lucille Williams,

MEMBERS ABSENT: N/A

STAFF PRESENT: Robert Wertz, Carla Trahan, Haley Plauche

GUESTS PRESENT: Erich Duchmann, Jessica Thornhill, Kent Wolkart, Stephanie
Minto-Gibson, Hortense Rogers

I. CALL TO ORDER

Mr. Davis called the meeting of the Crime Victims Reparations Board for the date of March 11, 2014 to order at 9:15 a.m.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Ms. Polak made a motion to approve the minutes of the previous meeting. Ms. Adcock seconded the motion. The motion passed unanimously.

III. APPEALS

A 1. Orleans 12-025

Mr. Dibenedetto made a motion to deny. Mr. Dibenedetto withdrew his motion. Ms. Polak made a motion to uphold the appeal and to award \$4,000.00 for FUNERAL. Ms. Adcock seconded the motion and the motion passed unanimously.

A 2. Orleans 13-087

Ms. Polak made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Adcock seconded the motion and the motion passed unanimously.

A 3. St. Tammany 12-015

Ms. Polak made a motion to review this case first due to the claimant's presence at the meeting. Ms. Adcock seconded the motion and the motion passed unanimously. Ms. Adcock made a motion to enter Executive Session. Mr. Dibenedetto seconded the motion. The Board entered Executive Session. Ms. Polak made a motion to re-enter General Session. Ms. Rodi seconded the motion. The Board re-entered General Session. Mr. DiBenedetto made a motion to uphold the appeal and to approve eligibility at 100% of statutorily paid amounts. Ms. Fanara seconded the motion and the motion passed unanimously.

IV. EMERGENCY CONFIRM/DENY

Ms. Adcock made a motion to confirm the emergency rulings for the previous month. Mr. Legendre seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 1. Acadia 13-004

Ms. Polak made a motion to award \$4,066.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 2. Allen 13-004

Ms. Adcock made a motion to approve eligibility but to defer the funeral claim awaiting a Claim Form for Funeral Expenses. Mr. Legendre seconded the motion and the motion passed unanimously.

F 3. Allen 97-009

Ms. Polak made a motion to award \$992.46 for MEDICAL MILEAGE, \$2,527.50 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 4. Ascension 13-009

Ms. Polak made a motion to defer claims awaiting a Mental Health Initial Treatment Plan and Mental Health Treatment Update as of 2/15/14 from mental. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 5. Assumption 13-002

Ms. Stapleton made a motion to award \$904.11 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 6. Caddo 13-034

Ms. Adcock made a motion to award \$186.95 for MEDICAL, \$5,000.00 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 7. Caddo 13-062

Ms. Adcock made a motion to award \$3,850.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 8. Caddo 13-064

Ms. Adcock made a motion to award \$10,000.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed 8 to 1 with no abstentions. The board also agreed to mark the case as "closed".

F 9. Calcasieu 11-074

Ms. Polak made a motion to defer ruling awaiting more information from law enforcement. Ms. Williams seconded the motion and the motion passed unanimously.

F 10. Calcasieu 12-030

Ms. Polak made a motion to award \$1,350.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 01/27/14.

F 11. Calcasieu 13-007

Ms. Polak made a motion to award \$487.36 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Mr. Legendre seconded the motion and the motion passed unanimously.

F 12. Calcasieu 13-031

Ms. Polak made a motion to award \$10,000.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 13. Calcasieu 13-046

Ms. Polak made a motion to award \$764.35 for MEDICAL. Estimate approved for: \$2,531.10 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 14. Calcasieu 14-004

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Polak seconded the motion and the motion passed unanimously.

F 15. Concordia 13-007

Mr. DiBenedetto made a motion to defer ruling awaiting more information from law enforcement. Ms. Williams seconded the motion and the motion passed unanimously.

F 16. East Baton Rouge 12-070

Ms. Polak made a motion to award \$545.00 for MENTAL HEALTH and to deny the remainder of the MENTAL HEALTH expenses of \$135.00 because the mental health maximum allowable of \$2,500.00 has been reached. Ms. Williams seconded the motion

V. ITEMS FOR FULL DISCUSSION

and the motion passed unanimously.

F 17. East Baton Rouge 13-071

Ms. Polak made a motion to award \$4,500.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed 8 to 0 with 1 abstention.

F 18. East Baton Rouge 13-073

Ms. Adcock made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Williams seconded the motion and the motion passed unanimously.

F 19. East Baton Rouge 13-074

Ms. Stapleton made a motion to award \$5,000.00 for FUNERAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 20. Jefferson 13-003

Ms. Polak made a motion to award \$3,386.31 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 21. Jefferson 13-018

Ms. Polak made a motion to award \$1,677.39 in MEDICAL expenses but to defer \$8,322.11 in Medical expenses awaiting Medicaid payment/denial information. Ms. Fanara seconded the motion and the motion passed unanimously.

F 22. Jefferson 13-028

Ms. Rodi made a motion to award \$5,000.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 23. Jefferson 13-032

Ms. Polak made a motion to defer ruling awaiting more information from law enforcement. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 24. Jefferson 13-034

Ms. Polak made a motion to award \$1,370.05 for MEDICAL, \$138.00 for AMBULANCE TRANSPORT (MEDICAL) and to deny the LOST WAGE claim of \$5,600 due to lack of proper documentation from the treating physician. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 25. Jefferson 13-036

Mr. DiBenedetto made a motion to defer ruling awaiting more information from law enforcement. Ms. Williams seconded the motion and the motion passed unanimously.

F 26. Lafayette 10-015

Mr. DiBenedetto made a motion to award \$8,649.10 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously.

F 27. Lafayette 10-035

Ms. Stapleton made a motion to defer ruling awaiting outcome of trial. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 28. Lafayette 12-026

Ms. Polak made a motion to approve eligibility. Ms. Rodi seconded the motion. Motion failed. Ms. Stapleton made a motion to defer ruling awaiting supplemental report from law enforcement. Mr. Legendre seconded the motion and the motion passed unanimously.

F 29. Lafourche 13-046

Ms. Stapleton made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed unanimously.

F 30. Lafourche 13-055

Ms. Stapleton made a motion to award \$4,568.34 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 31. Lafourche 13-057

Ms. Polak made a motion to award \$2,000.00 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Mr. Legendre seconded the motion and the motion passed unanimously.

F 32. Lafourche 13-059

Ms. Rodi made a motion to award \$1,636.33 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 33. Lafourche 13-070

Ms. Fanara made a motion to award \$4,500.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 34. Livingston 14-001

Mr. DiBenedetto made a motion to award \$3,851.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 35. Morehouse 13-002

Ms. Polak made a motion to defer ruling awaiting supplemental report from law enforcement. Ms. Adcock seconded the motion and the motion passed unanimously.

F 36. Orleans 12-094

Ms. Polak made a motion to approve eligibility but to defer claims awaiting a receipt of claimant payment to funeral home. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 37. Orleans 13-059

Ms. Polak made a motion to award \$3,993.40 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 38. Orleans 13-063

Ms. Rodi made a motion to award \$11.90 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 39. Orleans 13-072

Ms. Fanara made a motion to award \$920.90 for MEDICAL. Ms. Rodi seconded the

V. ITEMS FOR FULL DISCUSSION

motion and the motion passed unanimously.

F 40. Orleans 13-101

Ms. Polak made a motion to award \$4,000.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 41. Orleans 13-119

Ms. Fanara made a motion to award \$4,697.12 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 42. Orleans 13-128

Ms. Williams made a motion to award \$5,000.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 43. Orleans 13-129

Ms. Williams made a motion to award \$5,000.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 44. Rapides 13-010

Ms. Stapleton made a motion to award \$2,243.80 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 45. Rapides 13-011

Ms. Stapleton made a motion to award \$5,000.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed 8 to 1 with no abstentions.

F 46. Rapides 13-013

Ms. Polak made a motion to award \$2,500.00 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Mr. Legendre seconded the motion and the motion passed 8 to 1 with no abstentions.

F 47. Sabine 13-010

Ms. Stapleton made a motion to defer ruling awaiting investigative report from law enforcement. Mr. Legendre seconded the motion and the motion passed unanimously.

F 48. St. Charles 11-067

Ms. Polak made a motion to award \$675.00 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously.

F 49. St. Landry 14-001

Ms. Polak made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 50. St. Landry 14-002

Ms. Fanara made a motion to defer ruling awaiting more information (specifically, victim's tox screen results). Ms. Stapleton seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 51. Tangipahoa 13-003

Ms. Stapleton made a motion to defer ruling awaiting supplemental report from law enforcement. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 52. Tensas 13-003

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Adcock seconded the motion and the motion passed unanimously.

F 53. Tensas 13-004

Ms. Polak made a motion to deny under authority of LAC22:8.301(A)(1)(a)(iii) (victim contribution). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 54. Terrebonne 13-007

Ms. Williams made a motion to award \$754.91 for MEDICAL, \$43.92 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously.

F 55. Terrebonne 13-009

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 56. Vermillion 13-004

Ms. Stapleton made a motion to award \$5,000.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 57. Washington 13-002

Ms. Stapleton made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Ms. Fanara seconded the motion and the motion passed unanimously.

F 58. Washington 13-013

Ms. Polak made a motion to award \$302.50 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 59. Webster 13-004

Ms. Stapleton made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Ms. Williams seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 1. St. Mary 13-011

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Polak seconded the motion and the motion passed unanimously.

L 2. Acadia 13-006

Mr. DiBenedetto made a motion to defer. Motion died. Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Rodi seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 3. Acadia 13-007

Ms. Polak made a motion to award \$4,775.38 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

L 4. Caddo 13-044

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation) (failed to file workers' compensation claim). Ms. Stapleton seconded the motion and the motion passed unanimously.

L 5. Caddo 13-047

Ms. Polak made a motion to award \$71.50 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

L 6. Calcasieu 13-061

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed unanimously.

L 7. East Baton Rouge 13-045

Ms. Stapleton made a motion to award \$3,088.74 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously.

L 8. East Baton Rouge 13-075

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Williams seconded the motion and the motion passed unanimously.

L 9. East Baton Rouge 13-080

Mr. DiBenedetto made a motion to award \$4,481.94 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 10. Lafayette 13-014

Ms. Polak made a motion to defer ruling awaiting police report. Ms. Adcock seconded the motion and the motion passed unanimously.

L 11. Lafourche 08-068

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(1) (not a compensable expense/not filed timely). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

L 12. Orleans 12-129

Ms. Stapleton made a motion to award \$655.00 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously.

L 13. Orleans 13-104

Ms. Rodi made a motion to award \$5,000.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

L 14. St. John The Baptist 13-010

Ms. Polak made a motion to approve eligibility but to defer the claim awaiting the death

VI. LATE ADDITIONS

certificate, state of estate (copy of succession). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

L 15. St. Landry 13-001

Ms. Adcock made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

L 16. St. Mary 13-009

Ms. Polak made a motion to award \$4,004.25 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

The Board wanted to be certain that they receive an offense report (or a statement from the investigator) even with child-related cases.

The Board discussed expungements and decided, as they had in the past, that since the victim had, in fact, been convicted of a felony, eligibility should be denied.

Mr. DiBenedetto made a motion to adjourn the meeting. Ms. Polak seconded the motion. Mr. Davis adjourned the meeting at 12:15 p.m.